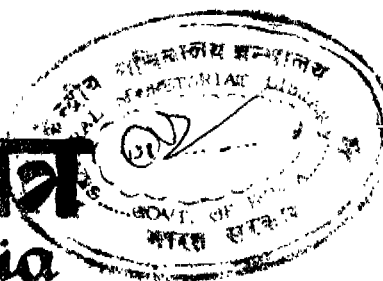




भारत का राजपत्र The Gazette of India



असाधारण
EXTRAORDINARY

भाग II—खण्ड 1
PART II—Section 1

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 3rd April, 1993/Chaitra 13, 1915 (Saka)

The following President's Act is published for general information:—

THE MADHYA PRADESH LOTTERY PRATIBANDH ACT, 1993

No. 8 OF 1993

Enacted by the President in the Forty-fourth Year of the
Republic of India.

An Act to ban all lotteries in the State of Madhya Pradesh.

In exercise of the powers conferred by section 3 of the Madhya Pradesh State Legislature (Delegation of Powers) Act, 1993, the President is pleased to enact as follows:—

1. (1) This Act may be called the Madhya Pradesh Lottery Pratibandh Act, 1993.

Short
title
and
commen-
cement.

(2) It shall be deemed to have come into force on the 25th day of January, 1993.

2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(a) "agent" means and includes Main Stockist or, by whatever name called, who may be an individual or a group of persons or a company registered under the Companies Act, 1956 or a partnership firm entrusted with the responsibility of sale of State Lottery tickets on an agency basis on behalf of the State Government;

(b) "lottery" means a scheme for distribution of prizes by lot or chance to those persons participating in the chances of a prize by purchasing tickets;

(c) "promoters", in relation to a lottery, includes an organiser or any person having control on the conduct of a lottery;

(d) "tickets" includes, in relation to any lottery or proposed lottery, any document evidencing the claim of a person to participate in the chances of the lottery.

Ban on
lottery.

3. Notwithstanding any agreement or contract entered into by the State Government with any person, no person shall be permitted to deal with in the trade or business of lottery or be an agent or promoter in respect of any lottery, nor shall he sell, distribute or purchase any lottery ticket within the territory of Madhya Pradesh.

Penalty.

4. If any person acts as an agent or a promoter or a trader in lottery or sells, distributes or purchases the lottery tickets, he shall be punishable with rigorous imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees, or with both.

Other
offences
in connec-
tion
with
lottery.

5. If any person with a view to the promotion or conduct of any lottery—

(a) prints or publishes any ticket, coupon or other document for use in the lottery; or

(b) sells or distributes or offers or advertises for sale or distribution or has in his possession for the purpose of sale or distribution any ticket, coupon or other document for use in the lottery; or

(c) prints, publishes or distributes or has in his possession for the purpose of publication or distribution—

(i) any advertisement of the lottery; or

(ii) any list (whether complete or not) of prize winners in the lottery; or

(iii) any such matter descriptive of, or otherwise relating to the lottery as is calculated to act as an inducement to persons to participate in that lottery;

(d) brings, or invites any person to send, into the territories of Madhya Pradesh for the purpose of sale or distribution, any ticket, coupon or other document for use in, or any advertisement of lottery; or

(e) sends or attempts to send, out of Madhya Pradesh any money or valuable things received in respect of the sale or distribution of any ticket, coupon or other document for use in the lottery; or

(f) uses any premises, or causes or knowingly permits, any premises to be used for purposes connected with the promotion or conduct of the lottery; or

(g) causes or procures or attempts to procure any person to do any of the above-mentioned acts,

he shall be punishable with rigorous imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees, or with both.

6. (1) If the person committing an offence under this Act is a company, the company as well as every person who was in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly:

Offences
by com-
panies.

Provided that, nothing in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any Director, Manager, Secretary or other Officer of the Company, such Director, Manager, Secretary or other Officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this Section—

(a) "Company" means any body corporate and includes a firm or other association of individuals; and

(b) "Director" in relation to a firm, means a partner in the firm.

7. (1) It shall be lawful for any police officer not below the rank of a Sub-Inspector authorised by the State Government in this behalf by general or special order in writing—

Power of
entry
and
search.

(a) to enter, if necessary by force, whether by day or night, with such assistants as he considers necessary, any premises which he has reasons to suspect are being used for purposes connected with the promotion or conduct of any lottery in contravention of the provisions of this Act;

(b) to search the premises and the person whom he may find therein;

(c) to take into custody and produce before a Magistrate all such persons whom he has reason to believe to be guilty of an offence punishable under this Act or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of their having been concerned with the user of such premises for purposes connected with or with the promotion or conduct of any lottery in contravention of the provisions of this Act; and

(d) to seize all things found therein which are intended to be used or reasonably suspected to have been used in connection with such lottery.

(2) All searches under this section shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973.

Offences
cogniza-
ble and
non-
bailable.

8. The offence under this Act shall be cognizable and non-bailable.

Repeal
and
saving.

9. (1) The Madhya Pradesh Lottery Pratibandh Ordinance, 1993, is hereby repealed.

Ord. 17 of
1993.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

SHANKER DAYAL SHARMA,
President.

B. R. ATRE,
Joint Secy. to the Govt of India.

Reasons for the enactment

The Government of Madhya Pradesh had felt that the business of lottery in the State was having detrimental social and economic impact, particularly on the poorer sections. They were becoming habituated to the lottery and losing their hard earned money. This in turn created domestic tension. There had been consistent demand by Members of the Legislative Assembly, the Members of Parliament and of person almost from all walks of life to prohibit the business of lottery. Accordingly, the Madhya Pradesh Lottery Pratibandh Adhyadesh, 1992 was promulgated by the Governor on 18th November, 1992 banning the trade of or business in any lottery in the State.

2. The President issued a proclamation on 15th December, 1992 under article 356 of the Constitution, in relation to the State of Madhya Pradesh, declaring, *inter alia*, that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament. The Madhya Pradesh Lottery Pratibandh Adhyadesh, 1992 would have ceased to be in force on the 25th January, 1993 i.e. after expiry of six weeks from the date of proclamation issued by the President. It became necessary to promulgate a fresh Ordinance by the President in exercise of the powers conferred by clause (1) of article 123 of the Constitution. Accordingly, the Madhya Pradesh Lottery Pratibandh Ordinance, 1993 was promulgated by the President on 25th January, 1993.

3. The proposed legislation seeks to replace the said Ordinance.

4. Parliament has under article 357(1)(a) of the Constitution, conferred on the President, the powers of the Legislature of the State to make laws vide the Madhya Pradesh State Legislature (Delegation of Powers) Act, 1993.

5. In view of the urgency of the matter, it is not practicable to consult the Consultative Committee on Madhya Pradesh Legislation to be constituted under the above Act. The legislation is accordingly being enacted without reference to the Consultative Committee.

S. SATHYAM,

*Special Secretary to the Govt. of India.
Ministry of Home Affairs.*

